

PTO/SB/21 (04-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/827,171
Filing Date	April 19, 2004
First Named Inventor	Green
Art Unit	2621
Examiner Name	NA
Attorney Docket Number	UNI1.009CON

Total Number of Pages in This Submission

65

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Acknowledgment postcard, 1 piece (s) |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | IDS, 5 piece(s); copies of references, 58 piece(s) | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Gerry J. Elman, Reg. 24,404; Elman Technology Law, P.C. Customer no. 003775
Signature	
Date	Sept. 1, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

MAIL STOP AMENDMENT by Priority Mail.

Typed or printed name	Gerry J. Elman	Signature		Date	Sept. 1, 2004
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Via Priority Mail with Certificate of Mailing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application No.: **10/827,171**
Confirmation no. **2412**
First named inventor: **Green**
Title: **SYSTEM AND METHOD FOR ACQUIRING IMAGES AT
MAXIMUM ACQUISITION RATE WHILE ASYNCHRONOUSLY
SEQUENCING MICROSCOPE DEVICES**
Filed: **April 19, 2004**
GAU/Examiner; **2621/NA**
Atty Docket No **UNI1.009COM**

MAIL STOP AMENDMENTS

Commissioner for Patents
Washington D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 CFR § 1.56, applicant submits herewith the identification of patents, publications or other information of which they are aware, which they believe may be material to patentability and in respect of which there may be a duty to disclose.

Applicant respectfully requests that the information enclosed herein be considered by the examiner in the above captioned application and be made of record therein.

Applicant believes that the information enclosed herewith is submitted in accordance with **37 CFR § 1.97(b)**. Accordingly, no fee is required for consideration of the information disclosure statement. However, any fee deficiency may be charged to deposit account **05-0845**.

A list of the patent(s) and/or publication(s) is set forth on the attached Form PTO-1449. A copy of each foreign patent and nonpatent literature reference cited is enclosed herewith.

Inclusion of a reference in this Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as

such, nor that any cited reference discloses anything other than what is shown and stated therein.

The filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists.

The filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).

This statement is made by the attorney who signs below on the basis of the information supplied by the applicant and the information in the attorney's file.

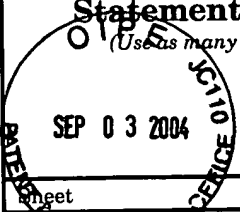
ACCOMPANYING THIS STATEMENT ARE:

- * Form PTO-1449 comprising 3 page(s);
- * a copy of each reference cited on Form PTO-1449 (6 U.S Patent documents, 1 foreign patent document, 1 nonpatent literature document)

Respectfully submitted,

Date: Sept. ____, 2004

Gerry J. Elman, Reg. No., 24,404
Customer No. 003775
Elman Technology Law, P.C.

Substitute for form 1449/PTO		Complete if Known	
Information Disclosure Statement by Applicant <i>(Use as many sheets as necessary)</i> 		Application No.	10/827,171
		Confirmation No.	2412
		Filing Date	April 19, 2004
		First Named Inventor	Green
		Art Unit	2621
Examiner Name		NA	
Sheet 1 of 3	Attorney Docket No.	UNI1.009CON	

U.S. PATENT DOCUMENTS													
EXAMINER INITIAL	CITE NO.	PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILED DATE (if appropriate)
	1	5	0	5	3	6	2	6	10/1991	Tillotson, D.	250	458.1	
	2	5	2	3	3	1	9	7	08/1993	Bowman et al	250	461.1	
	3	5	5	4	8	6	6	1	08/1996	Price et al	382	133	
	4	5	7	6	0	9	5	0	06/1998	Maly et al	359	368	
	5	5	7	9	8	7	9	8	08/1998	Rector et al	348	476	
	6	6	6	3	3	3	3	1	10/2003	Potter et al	348	80	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Information Disclosure Statement By Applicant <i>(Use as many sheets as necessary)</i>	Complete if Known	
	Application No.	10/827,171
	Confirmation No.	2412
	Filing Date	April 19, 2004
	First Named Inventor	Green
	Art Unit	2621
Sheet 2 of 3	Attorney Docket	UNI1.009CON

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	FOREIGN PATENT DOCUMENT Country Code, Number, Kind Code (if known)	PUBLICATION DATE	NAME OF PATENTEE or APPLICANT OF CITED DOCUMENT	T
	1	WO 98/45744	10/1998	Northern Edge Associates, Inc.	N

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449/PTO Information Disclosure Statement By Applicant <i>(Use as many sheets as necessary)</i>	Complete if Known	
	Application No. Confirmation No.	10/827,171 2412
	Filing Date	April 19, 2004
	First Named Inventor	Green
	Art Unit	2621
	Examiner Name	NA
Sheet 3 Of 3	Attorney Docket Number UNI1.009CON	

OTHER NON-PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, catalog, etc.), date, pages(s), volume-issue number(s), publisher, city and/or country where published	
	1	DECK, L. et al; "High-Speed Noncontact Profiler Based on Scanning White-Light Interferometry"; Applied Optics, November 11, 1994, pages 7334-7338; vol. 33, no. 31, Optical Society of America; Washington, D.C.	

Examiner Signature		Date Considered	
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